

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RYAN FREEMONT,

Defendant.

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8:07CR446

ORDER

This matter is before the court on the motion to continue trial by the government (Filing No. 35). The government seeks a continuance of the trial of this matter which is scheduled for April 28, 2008, on the basis that an essential witness will be unavailable because of his appearance in other trials in another jurisdiction. Counsel for the government represents that counsel for defendant Ryan Freemont has no objections to the continuance. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The government's motion to continue trial (Filing No. 35) is granted.
2. Trial of this matter is re-scheduled for **May 19, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 28, 2008 and May 19, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that an essential witness is unavailable for trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A).

DATED this 3rd day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge